रजिस्ट्री सं० डी० 221 REGISTERED NO. D 221.

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 24] नई दिल्ली, सोमवार, मई 9, 1966/ वैशाख 19, 1888
No. 24] NEW DELHI, MONDAY, MAY 9, 1966/VAISAKHA 19, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following report of the Joint Committee on the Bill to provide for the administration of the Union territory of Delhi and for matters connected therewith was presented to Lok Sabha on the 9th May, 1966.

Composition of the Joint Committe

Shri S. V. Krishnamoorthy Rao—*Chairman*

MEMBERS

Lok Sabha

2. Shri Ramchandra Vithal Bade
*3. Chodhury Brahm Perkash
4. Shrimati Renu Chakravartty
5. Shri Shivajirao S. Deshmukh
*6. Shri Shiv Charan Gupta
7. Shrimati Subhadra Joshi
8. Shri Hari Vishnu Kamath

*Resigned from the Committee with effect from the 18th April, 1966.

9. Sardar Kapur Singh
10. Shri Mehr Chand Khanna
11. Shri T. Manaen
12. Shri Dhuleshwar Meena
13. Shri Jashvant Mehta
14. Shri Bakar Ali Mirza
15. Sardar Gurmukh Singh Musafir
16. Shri Naval Prabhakar
17. Shri A. V. Raghavan
18. Shri R. V. Reddiar
19. Dr. Sarojini Mahishi
20. Shri Sham Nath
21. Shrimati Ramdulari Sinha
22. Shri Gulzarilal Nanda

Rajya Sabha

23. Shri Anand Chand
24. Shri Khandubhai K. Desai
25. Shri I. K. Gujral
26. Shri S. S. Mariswami
†27. Shri L. N. Mishra
28. Shri M. N. Govindan Nair
†*29. Kumari Shanta Vasisht
*30. Shri Santokh Singh
31. Shri G. D. Tapase
32. Shri J. Venkatappa
33. Shri Jaisukhlal Hathi.

DRAFTSMEN

1. Shri S. P. Sen Verma, *Secretary, Legislative Department, Ministry of Law.*
2. Shri K. K. Sundaram, *Joint Secretary and Draftsman, Ministry of Law.*
3. Shri P. L. Gupta, *Additional Drafsman, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri Hari Sharma, *Secretary (U.T.), Ministry of Home Affairs.*
2. Shri K. R. Prabhu, *Deputy Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

*Resigned from the Committee with effect from the 18th April, 1966.

†Ceased to be members of the Joint Committee consequent on their retirement from Rajya Sabha with effect from the 2nd April, 1966 but were re-appointed by Rajya Sabha on the 7th April, 1966 on their re-election to that House.

REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which the Bill* to provide for the administration of the Union territory of Delhi and for matters connected therewith was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee, annexed thereto.

2. The Bill was introduced in Lok Sabha on the 18th November, 1965. The motion for reference of the Bill to a Joint Committee of the Houses was moved in Lok Sabha by Shri Gulzarilal Nanda, the Minister of Home Affairs, on the 30th November, 1965 and was discussed on the 30th November and 7th December, 1965 and adopted on the 7th December, 1965.

3. Rajya Sabha discussed the said motion on the 10th and 11th December, 1965 and concurred therein on the 11th December, 1965.

4. The message from Rajya Sabha was published in the Lok Sabha Bulletin, Part II, dated the 13th December, 1965.

5. The Committee held nine sittings in all.

6. The first sitting of the Committee was held on the 13th December, 1965, to draw up a programme of work. The Committee, at this sitting, decided to hear evidence of associations, public bodies and individuals desirous of presenting their suggestions or views before the Committee and to issue a press communique inviting memoranda for the purpose by the 25th December, 1965.

7. Twenty-nine memoranda/representations/resolutions on the Bill were received by the Committee from different associations/ individuals.

8. At their second, fourth and sixth sittings held on the 31st December, 1965 and the 3rd January and the 19th February, 1966, respectively, the Committee heard the evidence given by 15 associations/individuals.

9. The Committee have decided that the evidence given before them should be printed and laid on the Tables of both the Houses *in extenso*.

*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 18th November, 1965.

10. The report of the Committee was to be presented by the first day of the Fourteenth Session. As this could not be done, the Committee, at their fifth sitting held on the 22nd January, 1966, decided to ask for extension of time for the presentation of their report upto the 21st March, 1966. Necessary motion was brought before the House and adopted on the 15th February, 1966. At their seventh sitting held on the 11th March, 1966, the Committee decided to ask for further extension of time upto the first day of the Fifteenth Session, which was granted by the House on the 18th March, 1966.

11. The Committee considered the Bill clause-by-clause at their eighth sitting held on the 18th April, 1966.

12. The Committee considered, and adopted, their Report on the 3rd May, 1966.

13. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

14. *Clause* 1 *and enacting formula.*—The amendments are of a consequential nature.

15. *Clause* 2.—The boundaries of New Delhi are already described in the First Schedule to the Delhi Municipal Corporation Act, 1957. The Committee, therefore, feel that it is not necessary to empower the Central Government to specify the area of New Delhi by a notification in the Official Gazette.

The clause has been amended accordingly.

16. *Clause* 3.—The Committee are of the view that the number of seats in the Metropolitan Council to be filled by persons chosen by direct election from territorial constituencies should be raised from forty-two to forty-nine.

The clause has been amended accordingly.

17. *Clause* 4.—The Committee are of the view that in the task of delimiting constituencies for the purpose of elections to the Metropolitan Council and of specifying constituencies in which seats should be reserved for scheduled castes, the Election Commission should associate with itself all the members of Lok Sabha representing Delhi. It should not be left to the Central Government to nominate any three members of the Interim Metropolitan Council for this purpose.

The amendment made in the clause achieves this object.

18. *Clause* 12.—The clause has been redrafted to provide for, besides the Chairman, a Deputy Chairman of the Metropolitan Council.

19. *Clause* 13.—The amendments are of a consequential and drafting nature.

20. *Clause* 14.—The Clause has been amended to provide that the Administrator may require the attendance of members for the purpose of attending and addressing a meeting of the Metropolitan Council.

21. *New Clause* 15.—This clause has been added to specifically provide that every member of the Executive Council shall have the right to speak in, and otherwise to take part in the proceedings of, the Metropolitan Council, and any Committee thereof, of which he may be named a member.

22. *Clause* 20 (*Original clause* 19).—Sub-clause (3) has been added to make the provisions regarding powers and privileges applicable to persons who have the right to speak in, and otherwise to take part in the proceedings of, the Metropolitan Council or any Committee thereof as they apply in relation to members.

23. *Clause* 24 (*Original clause* 23).—The Committee are of the view that the Administrator should consult the Chairman of the Metropolitan Council before making rules with the approval of the President, for prohibiting discussion of, or regulating the asking of questions on, any matter which affects the discharge of his functions in so far as he is required to act in his discretion or to exercise judicial or a quasi-judicial function.

The clause has been amended accordingly.

24. (*Original clause* 24).—The Committee are of the opinion that the question of language or languages to be used in the Metropolitan Council should be left to be determined by the Metropolitan Council itself. It need not be provided by this statute.

The clause has therefore been omitted.

25. *Clause* 27.—The Committee are of the view that the members of the Executive Council should be designated as Executive Coucillors and one of them as the Chief Executive Councillor.

The Clause has been amended accordingly.

26. *Clause* 32.—The Committee are of the view that until the next general election for the Delhi Municipal Corporation is held.

membership of that Corporation should not preclude a person from being also a member of the Interim Metropolitan Council.

A proviso has been added to the Clause accordingly.

27. *Clause* 35.—The amendment is of a consequential nature.

28. *New Clause* 36.—This clause has been added to provide for representation of the Metropolitan Council on the Delhi Development Authority in lieu of the representation of the Advisory Committee in respect of the Union territory of Delhi on that Authority.

29. *Clause* 38 (*Original clause* 37).—The Committee feel that the orders made by the President under this clause should be laid before each House of Parliament and they should be subject to modification, if any, by Parliament.

Necessary provision has been made for this purpose by adding new sub-clause (2).

30. The Committee recommend that the Bill, as amended, be passed.

NEW DELHI;
The 3rd May, 1966
Vaisakha 13, 1888 (*Saka*)

S. V. KRISHNAMOORTHY RAO,
Chairman,
Joint Committee.

MINUTES OF DISSENT

I

I regret that I could not persuade my colleagues in the Joint Committee and bring them round to my views. I am, therefore, constrained to append the following note of dissent which I feel expresses the views of the public at large.

2. The main purpose of the Bill should have been to provide for a unified and co-ordinated democratic set-up in Delhi. The multiplicity of authority is the greatest bane of this metropolitan city.

Some Ministers of the Government of India are at present directly functioning in Delhi without any coordination between them, with some statutory bodies working in their own orbits.

I am sorry to state that this multiplicity of authority will continue even with the passing of the present Bill. The Delhi Municipal Corporation, for example, will have more effective budgetary power than the Metropolitan Council.

3. Even after a lapse of several years and protracted talks with the top leaders, the Government had brought forward this Bill which fails completely to satisfy the aspirations of the people of Delhi. As regards the subjects falling under the State List, this enactment virtually gives no control over them. It envisages the most hated type of beaurocratic way of dealing with the public affairs. For example, clause 22 (original clause 21) is the most important clause in the Bill. The Metropolitan Council is a directly elected body but has only an advisory or recommendatory capacity. This clause has turned the Metropolitan Council into a mere debating society. Even the arrangements as envisaged in the Bill are far from satisfactory. As the things stand, there will not be cohesion between the Metropolitan Council and the Executive Councillors. This may result in confusion being worse confounded and will enhance the already prevalent inefficiency in the administration to the detriment of the public.

4. Further, the Metropolitan Council should have financial powers to decide finally its own budget, which the present Bill does not provide for. The Metropolitan Council must have full powers of deliberation and final decision including financial powers such as to raise taxes and to pass their own budget. According to clause 22

(original clause 21), in regard to the estimated receipts and expenditure of Delhi which are to be credited to, or is to be met from, the Consolidated Fund, the Metropolitan Council has got the right only to discuss and make recommendations. This has thus turned the Metropolitan Council into a mere consultative committee making only suggestions and recommendations. These may be accepted or may not be accepted by the Executive Council. In my view, the Metropolitan Council must have power to take decisions and pass resolutions which will be final and which must be acceptable to the Executive Council.

5. Then again, the creation of Executive Council under this Bill is making a mockery of democracy (*See* clauses 27 and 28). All the members of the Executive Council shall be appointed by the President. In my opinion, if the Government really wanted to give more democratic rights to the public it should have accepted my proposal that the leader of the majority party in the Metropolitan Council should be the Chief Executive Councillor and the Executive Council should be collectively responsible to the Metropolitan Council. Now, according to the present Bill, the Executive Council and the Metropolitan Council will be two separate bodies with no constitutional provision for their harmonious functioning.

The Metropolitan Council and the Executive Council will become additional financial burden on the people of Delhi without solving their problems and satisfying their long-standing demands. This Executive Council will be another beaurocratic *Raj* created by this Bill.

6. The total number of seats in the Metropolitan Council to be filled up by direct election will be 49. In my view, it should be 56. If the number of elected members is kept at 49, then out of these 49 members, 43 would be from the Corporation area. If the Corporation and Metropolitan Council elections are going to be held simultaneously, then the number of the Corporation Wards would have to be either 86 or 129. But, according to the Delhi Municipal Corporation Act, a Ward for the purpose of Corporation election, shall be of not more than 20 thousand population and the total number of Wards shall not be more than 100.

So, either the Corporation and Metropolitan Council elections should be held at different times or the Delhi Municipal Corporation Act should be amended or the number of seats in the Metropolitan Council to be filled by direct election should be 56 in order to keep

up the ratio. If the Delhi Municipal Corporation Act is to be amended and the delimitation suspended till then, it would mean delay, which is not desirable.

7. About the language also, the Joint Committee in their majority report have avoided the question of language by deleting the relevant clause. I insist that the original clause 24 may be kept in the following manner: The business in the Metropolitan Council shall be transacted only in Hindi.

8. To conclude, I have dealt with the main issues involved in the Bill. There are so many flaws which I have not mentioned in my note. Even now I have great apprehensions about the efficacy of the arrangements made in the Bill to achieve the desired object of the unified and good administration in Delhi and of providing for a larger measure of association of the representation of the people in Delhi.

NEW DELHI;
Dated the 3rd May, 1966 R. V. BADE.

II

We see no reason whatsoever for denying Delhi a democratically elected and fully representative legislature and a Council of Ministers. All the arguments put forward against this appear to us as totally unconvincing. Delhi out of all Union Territories has the largest population and should not be discriminated against in the matter of democratic rights of governance. Even the rights given to other Union Territories are being denied to the people of Delhi. We therefore totally oppose this move.

2. The set-up envisaged in the proposed Metropolitan Council gives it no powers other than that of an advisory nature and therefore reduces it to nothing more than a debating society. All executive authority vests in a completely nominated body—the Executive Council. The Metropolitan Council has no status other than that of making recommendations. We have therefore suggested an amendment that the recommendations of the Metropolitan Council shall have mandatory effect and shall be executed by the Executive Council, the Administrator or the Central Government as the case may be.

In order to make the Executive Council and the Administrator feel responsible to the Metropolitan Council for their actions, we

suggest that the President shall remove from office any Executive Councillor against whom the Metropolitan Council passes a vote of no-confidence by a two-third majority.

3. Further, the Metropolitan Council is another additional authority tagged on to the plethora of bodies which already exist and which have added to complete confusion in the development and life of the city. Instead of envisaging elimination of the multiplicity, of authorities, it just does the opposite and therefore does not even lay the basis of a sound administrative set-up capable of cutting down delay and red tape and of solving quickly and efficiently the multifarious problems which the people of Delhi have been facing for so long.

4. We are also of the opinion that the number of elected members of the Council should be increased to 56 since the proposed 49 will lead to a great deal of technical difficulty with regard to simultaneous voting to be held for elections to the Delhi Municipal Corporation (where the number of seats on the basis of population as by statute laid down was not to exceed 100), the Metropolitan Council and the Lok Sabha. The constituencies set up for these three bodies must be easily divisible. Since on the basis of population Delhi Municipal Corporation has already reached the maximum figure of 100 seats, the number of seats to the Metropolitan Council has to be made divisible by two only. That will make 50 seats for the Metropolitan Counc l in respect of the Corporation area and adding to it another six seats on the basis of population for New Delhi and Cantonment area it would make a total of 56 seats for the Metropolitan Council. This would mean, 8 Metropolitan Council seats would make up the constituency of one Lok Sabha seat.

5. In order to make the Metropolitan Council not only a representative body but also an active one, we propose that the Administrator should call the Metropolitan Council not at an interval of six months but three months.

6. We also propose that when a vacancy occurs in the chairmanship of the Metropolitan Council, it shall not be left vacant for an undetermined period and suggest that the election must take place not later than a month after the vacancy has taken place.

RENU CHAKRAVARTTY
M. N. GOVINDAN NAIR.

NEW DELHI;
Dated the 5th May, 1966.

III

The principle as well as practice of nomination by the Executive to a legislative or quasi-legislative body is antithetical to the spirit and true pattern of Parliamentary democracy. If, however, it is permitted in certain exceptional circumstances, statutory curbs or limitations should be imposed on the exercise of such power to nominate, as in the present case, by the Central Government. The misuse of such power for partisan or ulterior ends must be prevented so as to foster the growth of a healthy democratic tradition. The professions, or minority communities or special interests which the persons nominated on the Metropolitan Council are intended to represent, should be clearly specified in the Bill. Clause 3, as it stands, however, is tantamount to a *carte blanche* to the Executive and is therefore pernicious. Moreover the number should be reduced to the barest minimum, approximating to zero.

2. The proposed irremovable Executive Council is liable to become an irresponsible and unresponsive Council. Considering that under the Constitution even the President can be impeached, and Judges of the Supreme Court and High Courts are removable by a special procedure prescribed in the Constitution, it will be anomalous, to say the least, if the Executive Councillors appointed by the President are removable only at his pleasure, rather displeasure. The advisability of providing, therefore, that an Executive Councillor could be removed from office if a motion for his removal is adopted by a special, if not a simple, majority of the members of the Metropolitan Council, and a petition to that effect is submitted to the President, should be seriously considered.

3. In view of the fact that Delhi is the federal capital of the Indian Union, and is fast emerging as one of the great cosmopolitan, international cities of the world, a virtual repetition of the earlier unhappy experiment of a separate Legislative Assembly and Council of Ministers for the Union territory was considered neither appropriate nor desirable by the Joint Committee, and rightly so. Nor was the acceptance of the demand for vesting adequate budgetary and financial powers in the Metropolitan Council feasible without a suitable amendment of the Constitution, and therefore beyond the scope of this Bill. The powers of the Metropolitan Council being thus truncated and abbreviated, I am strongly of the opinion that a convention should be firmly established whereby any measure affecting Delhi would not be introduced in Parliament unless it has been approved by an Advisory Committee which must include all members representing the Union territory in the two Houses of Parliament. I

may even suggest that a separate Deputy Minister may be put in charge of Delhi affairs, while the Minister of Home Affairs and the Union Council of Ministers will continue to exercise overall authority and control.

4. I trust that with the modifications suggested above, the Bill will become acceptable even to those members of the Joint Committee who took the somewhat unusual step of resigning from the Committee at a very late stage, when the Committee had almost come to the end of its labours. We must so strive that the Metropolitan Council will develop into a genuine democratic institution.

NEW DELHI; H. V. KAMATH.

Dated the 6th May, 1966.

Bill No. 72 B of 1965

THE DELHI ADMINISTRATION BILL, 1965

(AS REPORTED BY THE JOINT COMMITTEE)

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Bill No. 72 B of 1965

THE DELHI ADMINISTRATION BILL, 1965

[AS REPORTED BY THE JOINT COMMITTEE]

[*Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.*]

A

BILL

to provide for the administration of the Union territory of Delhi and for matters connected therewith.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (*1*) This Act may be called the Delhi Administration Act, 1966. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Administrator" means the Administrator of Delhi appointed by the President under article 239;

(*b*) "article" means an article of the Constitution;

(*c*) "constituency" means a constituency provided by order made under section 4 for the purpose of elections to the Metropolitan Council;

(*d*) "Delhi" means the Union territory of Delhi;

(*e*) "Election Commission" means the Election Commission appointed by the President under article 324;

(*f*) "member" means a member of the Metropolitan Council;

(*g*) "Metropolitan Council" means the Metropolitan Council of Delhi constituted under section 3;

(*h*) "New Delhi" means the area within the boundaries described in the First Schedule to the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(*i*) "Official Gazette" means the Official Gazette of Delhi;

(*j*) "scheduled castes" means any of the scheduled castes specified in Part I of the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951.

PART II

METROPOLITAN COUNCIL

Constitution of Metropolitan Council.

3. (*1*) **There shall be a Metropolitan Council for Delhi.**

(*2*) The total number of seats in the Metropolitan Council to be filled by persons chosen by direct election from territorial constituencies shall be forty-nine.

(*3*) The Central Government may nominate not more than five persons, not being persons in the service of Government, to be members of the Metropolitan Council.

(4) Seats shall be reserved for the scheduled castes in the Metropolitan Council and the number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats in the Metropolitan Council as the population of the scheduled castes in Delhi bears to the total population of Delhi:

Provided that the reservation of seats for the scheduled castes in the Metropolitan Council shall cease to have effect on the same date on which the reservation of seats for the scheduled castes in the House of the People shall cease to have effect under article 334, but such cesser shall not affect any representation of the scheduled castes in the Metropolitan Council until the dissolution of the then existing Metropolitan Council.

(5) For the purposes of this section and section 4, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Delimitation of constituencies.

4. (1) For the purpose of elections to the Metropolitan Council, Delhi shall be divided into single-member constituencies in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout Delhi.

(2) For the purpose of giving effect to the provisions of sub-section (1), the Election Commission shall determine in the manner hereinafter provided—

(a) the constituencies into which Delhi shall be divided and the extent of each of such constituencies;

(b) the number of seats to be reserved for the scheduled castes in the Metropolitan Council having regard to the provisions of sub-section (4) of section 3 and the constituencies in which these seats shall be so reserved.

(3) For the purpose of assisting the Election Commission in the performance of its functions under sub-section (2), the Commission shall associate with itself all the members of the House of the People representing Delhi:

Provided that none of the said associate members shall have a right to vote or to sign any decision of the Election Commission.

(4) The Election Commission shall—

(a) publish its proposals in regard to matters mentioned in sub-section (2) in the Official Gazette together with a notice specifying the date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place as it thinks fit;

(c) make an order delimiting the constituencies specifying therein the constituencies in which seats shall be reserved for the scheduled castes; and

(d) send an authenticated copy of the order to the Central Government.

(5) An order made by the Election Commission under this section shall not be called in question in any court.

Power to rectify printing mistakes, etc.

5. The Election Commission may, from time to time, by notification in the Official Gazette, correct any printing mistake in any order made under section 4 or any error arising therein from an inadvertent slip or omission.

Qualification for membership.

6. A person shall not be qualified to be chosen to fill a seat in the Metropolitan Council unless he—

(a) is an elector for any constituency and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule;

(b) is not less than twenty-five years of age; and

(c) in the case of a constituency reserved for the scheduled castes, is also a member of any of those castes.

Electors and electoral rolls.

7. (1) The persons entitled to vote at election of members shall be the persons entitled, by virtue of the provisions of the Constitution and the Representation of the People Act, 1950, to be registered as voters at elections to the House of the People. 43 of 1950.

(2) So much of the electoral roll for any Parliamentary constituency for the time being in force as relates to the areas comprised within a constituency formed under section 4 shall be deemed to be the electoral roll for that constituency for the purposes of this Act.

Right to vote.

8. Every person whose name is, for the time being, entered in the electoral roll of a constituency shall be entitled to vote at the election of a member from that constituency.

35

43 of 1951.

9. The provisions of Part I and Parts III to XI of the Representation of the People Act, 1951 and of any rules and orders made thereunder, for the time being in force, shall apply in relation to an election to the Metropolitan Council, as they apply in relation to an election to the Legislative Assembly of a State, subject to such modifications as the Central Government may, after consultation with the Election Commission, by order direct. Election to Metropolitan Council.

10. The Metropolitan Council, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Metropolitan Council: Duration of Metropolitan Council.

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

11. (*1*) The Administrator shall, from time to time, summon the Metropolitan Council to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. Sessions of Metropolitan Council, prorogation and dissolution.

(2) The Administrator may, from time to time,—

(*a*) prorogue the Metropolitan Council;

(*b*) with the approval of the President, dissolve the Metropolitan Council.

12. (*1*) The Metropolitan Council shall, as soon as may be, choose two members to be respectively Chairman and Deputy Chairman thereof and, so often as the office of Chairman or Deputy Chairman becomes vacant, the Metropolitan Council shall choose another member to be Chairman or Deputy Chairman, as the case may be. The Chairman and Deputy Chairman of the Metropolitan Council.

(2) A member holding office as Chairman or Deputy Chairman,—

(*a*) shall vacate his office if he ceases to be such a member;

(*b*) may at any time by writing under his hand addressed, if such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman, to the Chairman, resign his office; and

(c) may be removed from his office by a resolution of the Metropolitan Council passed by a majority of all the then members:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that, whenever the Metropolitan Council is dissolved, the Chairman shall not vacate his office until immediately before the first meeting of the Metropolitan Council after the dissolution.

(3) While the office of Chairman is vacant, the duties of the office shall be performed by the Deputy Chairman or, if the office of Deputy Chairman is also vacant, by such member as may be determined by the rules of procedure of the Metropolitan Council.

(4) During the absence of the Chairman from any sitting of the Metropolitan Council, the Deputy Chairman, or, if he is also absent, such person as may be determined by the rules of procedure of the Metropolitan Council, or, if no such person is present, such other person as may be determined by the Metropolitan Council, shall act as Chairman.

(5) The Chairman and the Deputy Chairman shall be entitled to such salaries and allowances as the President may, by order, determine.

Chairman not to preside while a resolution for his removal from office is under consideration.

13. (1) At any sitting of the Metropolitan Council, while any resolution for the removal of the Chairman from his office is under consideration, the Chairman, or while any resolution for the removal of the Deputy Chairman from his office is under consideration, the Deputy Chairman, shall not, though he is present, preside and the provisions of sub-section (4) of section 12 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Chairman, or, as the case may be, the Deputy Chairman, is absent.

(2) The Chairman shall have the right to speak in, and otherwise to take part in the proceedings of, the Metropolitan Council while any resolution for his removal from office is under consideration and shall, notwithstanding anything in section 17, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings, but not in the case of an equality of votes.

Right of Administrator to attend and address meetings of Metropolitan Council.

14. The Administrator may attend and address any meeting of the Metropolitan Council and may for that purpose require the attendance of members.

Rights of members of Executive Council as respects Metropolitan Council.

15. Every member of the Executive Council shall have the right to speak in, and otherwise to take part in the proceedings of, the Metropolitan Council, and any Committee of the Metropolitan Council of which he may be named a member, but shall not by virtue of this section be entitled to vote.

Oath or affirmation by members.

16. (*1*) Every member shall, before taking his seat, make and subscribe before the Administrator, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Schedule.

(*2*) If a person sits or votes as a member before he has complied with the requirement of sub-section (*1*), or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

Voting in Metropolitan Council.

17. (*1*) Save as otherwise provided in this Act, all questions at any sitting of the Metropolitan Council shall be determined by a majority of votes of the members present and voting other than the Chairman or person acting as such.

(*2*) The Chairman or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(*3*) The Metropolitan Council shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Metropolitan Council shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(*4*) The quorum to constitute a meeting of the Metropolitan Council shall be fifteen.

(*5*) If at any time during a meeting of the Metropolitan Council there is no quorum, it shall be the duty of the Chairman, or person acting as such, either to adjourn the Metropolitan Council or to suspend the meeting until there is a quorum.

Vacation of seats.

18. (*1*) No person shall be a member—

(*a*) both of Parliament and of the Metropolitan Council, or

(*b*) both of the Metropolitan Council and of the Delhi Municipal Corporation,

and if a person is so chosen, then, at the expiration of fourteen days from the date of publication in the Gazette of India or in the Official Gazette, whichever is later, that he has been so chosen,—

(*i*) in a case referred to in clause (*a*), that person's seat in Parliament shall become vacant unless he has previously resigned his seat in the Metropolitan Council, and

(*ii*) in a case referred to in clause (*b*), that person's seat in the Metropolitan Council shall become vacant unless he has previously resigned his seat in the Delhi Municipal Corporation.

(*2*) If a member—

(*a*) becomes subject to any disqualification mentioned in sub-section (*1*) of section 19, or

(*b*) resigns his seat by writing under his hand addressed to the Chairman,

his seat shall thereupon become vacant.

(*3*) If during a period of six successive months, a member is, without permission of the Metropolitan Council, absent from all meetings thereof, the Metropolitan Council may declare his seat vacant.

Disqualifications for membership.

19. (*1*) A person shall be disqualified for being chosen as, and for being, a member of the Metropolitan Council if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under any of the provisions of article 102 or of any law made in pursuance of that article.

(*2*) For the purposes of this section, a person shall not be deemed to hold an office of profit by reason only that he is a member of the Executive Council.

(*3*) If any question arises as to whether a member has become disqualified for being such a member under the provisions of sub-section (*1*), the question shall be referred for the decision of the President and his decision shall be final.

(*4*) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

Powers, privileges, etc., of members.

20. (1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Metropolitan Council, there shall be freedom of speech in the Metropolitan Council.

(2) No member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Metropolitan Council or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Metropolitan Council of any report, paper, votes or proceedings.

(3) The provisions of sub-sections (1) and (2) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Metropolitan Council or any Committee thereof as they apply in relation to members.

Salaries and allowances of members.

21. Members shall be entitled to receive such salaries and allowances as the President may, by order, determine.

Functions of Metropolitan Council.

22. (1) Subject to the provisions of this Act, the Metropolitan Council shall have the right to discuss, and make recommendations with respect to, the following matters in so far as they relate to Delhi, namely:—

(a) proposals for undertaking legislation with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union territories (hereafter referred to as the State List and the Concurrent List);

(b) proposals for extension to Delhi of any enactment in force in a State relatable to any matter enumerated in the State List or the Concurrent List;

(c) proposals for legislation referred to it by the Administrator with respect to any of the matters enumerated in the State List or the Concurrent List;

(d) the estimated receipts and expenditure pertaining to Delhi which are to be credited to, or is to be met from, the Consolidated Fund of India;

(*e*) matters of administration involving general policy and schemes of development in so far as they relate to matters enumerated in the State List or the Concurrent List;

(*f*) any other matter referred to it by the Administrator.

(*2*) The recommendations of the Metropolitan Council, after having been duly considered by the Executive Council, shall, wherever necessary, be forwarded by the Administrator to the Central Government with the views, if any, expressed thereon by the Executive Council.

Right of members to ask questions.

23. Subject to the rules regulating the procedure of the Metropolitan Council, a member shall have the right to ask questions on any matter in so far as it falls within the purview of the Metropolitan Council under sub-section (*1*) of section 22.

Rules of Procedure.

24. (*1*) The Metropolitan Council may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business:

Provided that the Administrator shall, after consultation with the Chairman of the Metropolitan Council and with the approval of the President, make rules for prohibiting the discussion of, or regulating the asking of questions on, any matter which affects the discharge of his functions in so far as he is required by or under this Act to act in his discretion, or by or under any law to exercise judicial or quasi-judicial functions and, if and in so far as any rule so made by the Administrator is inconsistent with any rule made by the Metropolitan Council, the rule made by the Administrator shall prevail.

(*2*) Until rules are made under sub-section (*1*), the procedure and conduct of business of the Metropolitan Council shall be regulated by such rules as the Administrator may make in this behalf.

* * * * *

Restriction on discussion in Metropolitan Council.

25. No discussion shall take place in the Metropolitan Council with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

26. (*1*) The validity of any proceedings in the Metropolitan Council shall not be called in question on the ground of any alleged irregularity of procedure. Courts not to inquire into proceedings of Metropolitan Council.

(*2*) No officer or member of the Metropolitan Council in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Council shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART III

EXECUTIVE COUNCIL

27. (*1*) **There shall be an Executive Council, consisting of not more than four members one of whom shall be designated as the Chief Executive Councillor and others as the Executive Councillors, to assist and advise the Administrator in the exercise of his functions in relation to matters enumerated in the State List or the Concurrent List, except in so far as he is required by or under this Act to exercise his functions or any of them in his discretion or by or under any law to exercise any judicial or quasi-judicial functions:** Executive Council.

Provided that, in case of difference of opinion between the Administrator and the members of the Executive Council on any matter, other than a matter in respect of which he is required by or under this Act to act in his discretion, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision, it shall be competent for the Administrator in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

Provided further that every decision taken by a member of the Executive Council or by the Executive Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Administrator, and nothing in this sub-section shall be construed as preventing the Administrator in case of any difference of opinion between him and the members of the Executive Council from taking any action in respect of the administration of New Delhi as he, in his discretion, considers necessary.

(2) The Administrator shall preside at every meeting of the Executive Council, but if he is obliged to absent himself from any meeting of the Council owing to illness or any other cause, the Chief Executive Councillor shall preside at the meeting of the Council.

(3) The functions of the Administrator with respect to law and order in Delhi including the organization and discipline of police force, and with respect to such other matters as the President may from time to time specify in this behalf, shall be exercised by him in his discretion.

(4) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is by or under this Act required to act in his discretion, the decision of the Administrator thereon shall be final.

(5) If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by or under any law to exercise any judicial or quasi-judicial functions, the decision of the Administrator thereon shall be final.

(6) If any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Administrator thereon shall be final.

(7) The question whether any, and if so, what advice was tendered by any member of the Executive Council to the Administrator shall not be enquired into in any court.

Other provisions as to members of Executive Council.

28. (1) The members of the Executive Council shall be appointed by the President.

(2) The members of the Executive Council shall hold office during the pleasure of the President.

(3) Before a member of the Executive Council enters upon his office, the Administrator shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Schedule.

(4) A member of the Executive Council who for any period of six consecutive months is not a member of the Metropolitan Council shall, at the expiration of that period, cease to be a member of the Executive Council.

(5) The salaries and allowances of the members of the Executive Council shall be such as the President may, by order, determine.

Conduct of business.

29. (1) The President shall make rules—

(a) for the allocation of business to the members of the Executive Council in so far as it is not business with respect to

which the Administrator is required by or under this Act to act in his discretion; and

(*b*) for the more convenient transaction of business with the members of the Executive Council, including the procedure to be adopted in the case of a difference of opinion between the Administrator and the members of the Executive Council or a member of that Council.

(*2*) Save as otherwise provided in this Act, all executive action of the Administrator, whether taken in his discretion or otherwise, shall be expressed to be taken in the name of the Administrator.

(*3*) Orders and other instruments made and executed in the name of the Administrator shall be authenticated in such manner as may be specified in the rules to be made by the Administrator, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Administrator.

PART IV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Relation of Administrator and members of Executive Council to President.

30. Notwithstanding anything in this Act, the Administrator and the members of the Executive Council shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

Provision in case of failure of constitutional machinery.

31. If the President, on receipt of a report from the Administrator or otherwise, is satisfied—

(*a*) that a situation has arisen in which the administration of Delhi cannot be carried on in accordance with the provisions of this Act; or

(*b*) that for the proper administration of Delhi it is necessary or expedient so to do,

the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering Delhi in accordance with the provisions of article 239.

Provisions as to Interim Metropolitan Council.

32. (*1*) **Until a Metropolitan Council has been duly constituted and summoned to meet for the first session under the provisions of Part II of this Act, there shall be an Interim Metropolitan Council consisting of—**

(*a*) forty-two members elected by the members of the electoral college for Delhi, as in existence immediately before the commencement of this Act, in accordance with rules made by the Central Government in this behalf, such elections being held in accordance with the system of proportional representation by means of the single transferable vote, and

(*b*) not more than five members, not being persons in the service of Government, nominated by the Central Government.

(*2*) No person shall be qualified to be chosen as a member of the Interim Metropolitan Council unless he is an elector for any Parliamentary constituency in Delhi, and is not less than twenty-five years of age.

(*3*) The term of office of the members of the Interim Metropolitan Council shall expire immediately before the first meeting of the Metropolitan Council duly constituted under this Act.

(*4*) Election by the members of the electoral college for Delhi under sub-section (*1*) shall not be called in question on the ground merely of the existence of any vacancy in the membership of such college.

(*5*) In other respects, the provisions of Part II shall, so far as may be, apply in relation to the Interim Metropolitan Council as they apply in relation to the Metropolitan Council constituted under and in accordance with the provisions of that Part:

Provided that nothing contained in clause (*b*) of sub-section (*1*) of section 18 shall preclude a person from being a member of the Interim Metropolitan Council and also of the Delhi Municipal Corporation until the next general election for the Corporation is held under the Delhi Municipal Corporation Act, 1957. 66 of 1957.

Interim Executive Council.

33. (*1*) **Notwithstanding anything contained in Part III, the President may appoint such members of the Interim Metropolitan Council, not exceeding four in number, as he thinks fit to be the members of the Interim Executive Council.**

(2) The members of the Interim Executive Council shall hold office during the pleasure of the President.

(3) A member of the Interim Executive Council shall cease to hold office as such if he ceases to be a member of the Interim Metropolitan Council.

(4) Subject to the foregoing provisions, the members of the Interim Executive Council shall—

(*a*) exercise all the powers and perform all the duties conferred by the provisions of this Act on the members of the Executive Council,

(*b*) be entitled to such salaries and allowances as the President may, by order, determine.

Contracts and suits.

34. For the removal of doubts it is hereby declared that—

(*a*) all contracts in connection with the administration of Delhi are contracts made in the exercise of the executive power of the Union;

(*b*) all suits and proceedings in connection with the administration of Delhi shall be instituted by or against the Government of India.

Amendment of Act 43 of 1950.

35. In the Representation of the People Act, 1950, in section 27A, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The electoral college for the Union territory of Delhi shall consist of the elected members of the Metropolitan Council constituted for that territory under the Delhi Administration Act, 1966 and until that Council is constituted, the electoral college shall consist of the elected members of the Interim Metropolitan Council constituted under that Act.".

Amendment of Act 61 of 1957.

36. In the Delhi Development Act, 1957, in section 3,—

(*i*) for clause (*f*) of sub-section (3), the following clause shall be substituted, namely:—

"(*f*) as and when the Metropolitan Council for the Union territory of Delhi is constituted, three representatives of that Council to be elected by the members of the Council

from among themselves, and until that Council is constituted, three representatives of the Interim Metropolitan Council to be elected by the members of the Interim Metropolitan Council from among themselves;";

(*ii*) in sub-section (*6*), the words, brackets, letter and figure "and the three representatives of the Advisory Committee of Delhi referred to in clause (*f*) of sub-section (*3*) shall hold office for so long only as they continue to be members thereof" shall be omitted;

(*iii*) for sub-sections (*7*) and (*8*), the following sub-section shall be substituted, namely:—

"(*7*) An elected member shall hold office for a term of four years from the date of his election to the Authority and shall be eligible for re-election:

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was elected.".

Amendment of Act 20 of 1963.

37. In the Government of Union Territories Act, 1963, in clause (*a*) of sub-section (*2*) of section 41, for the words "the total number thereof remaining the same;", the words and figures "the number being 7, 4, 2 and 2;" shall be substituted.

Powers of President to remove difficulties.

38. (*1*) If any difficulty arises in giving effect to the provisions of this Act and, in particular in relation to the constitution of the Interim Metropolitan Council, the President may, by order, do anything not inconsistent with the provisions of this Act which appear to him to be necessary or expedient for the purpose of removing the difficulty.

(*2*) Every order made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

THE SCHEDULE

[*See* sections 6(*a*), 16(*1*) and 28 (*3*)]

FORMS OF OATHS OR AFFIRMATIONS

I

FORM OF OATH OR AFFIRMATION TO BE MADE BY A CANDIDATE FOR ELECTION TO THE METROPOLITAN COUNCIL

"I, A.B., having been nominated as a candidate to fill a seat in the Metropolitan Council of Delhi $\frac{\text{do swear in the name of God}}{\text{solemnly affirm}}$ that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

II

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE METROPOLITAN COUNCIL

"I, A.B., having been elected (or nominated) a member of the Metropolitan Council of Delhi $\frac{\text{do swear in the name of God}}{\text{solemnly affirm}}$ that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

III

FORM OF OATH OF OFFICE FOR A MEMBER OF THE EXECUTIVE COUNCIL

"I, A.B., $\frac{\text{do swear in the name of God}}{\text{solemnly affirm}}$ that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a member of the Executive Council, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will."

IV

FORM OF OATH OF SECRECY FOR A MEMBER OF THE EXECUTIVE COUNCIL

"I, A.B., do swear in the name of God / solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a member of the Executive Council except as may be required for the due discharge of my duties as such member."

S. L. SHAKDHER,
Secretary.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1966.